

PATENT

Customer No. 22,852

Attorney Docket No. 04853.0059-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Kazunari TAIRA et al.)	Group Art Unit: To be Assigned
)	
Serial No.: 09/763,590)	Examiner: To be Assigned
)	
Filed: February 26, 2001)	
)	
For: EXPRESSION SYSTEMS FOR)	
TRANSCRIPTION OF)	
FUNCTIONAL NUCLEIC ACIDS)	

Assistant Commissioner for Patents
Washington, DC 20231

Attention: **BOX PCT**

Sir:

RESPONSE TO NOTICE OF MISSING REQUIREMENTS

In response to the Notice of Missing Requirements Under 35 U.S.C. § 371, mailed April 5, 2001, Applicants enclose herewith:

- 1) a check in the amount of \$270.00 for the additional claim fees;
- 2) a paper copy and computer readable form (CRF) of the sequence listing, along with a statement as required under 37 C.F.R. §§ 1.821; and
- 3) a copy of the Notice of Missing Requirements.

Applicants hereby petition for any extension of time that is required to enter this response. If any additional fees are required for any reason, please charge such fees to deposit account no. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 5, 2001

By: Rebecca M. McNeill
Rebecca M. McNeill
Reg. No. 43,796



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, DC 20590
www.uspto.gov

SERIAL NUMBER

09/763590

FIRST NAME, SURNAME

TAIRA

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CLASSIFICATION

04853 0059

INTERNATIONAL APPLICATION NUMBER

PCT/JP99/04718

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FILING DATE

31 AUG 99

PRIORITY DATE

31 AUG 98

DATE MAILED 05 APR 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:

a. Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- | | |
|---|---|
| <input checked="" type="checkbox"/> U.S. Basic National Fee | Indication of Small Entity Status |
| <input checked="" type="checkbox"/> Copy of the international application | <input checked="" type="checkbox"/> Translation of the international application into English |
| <input checked="" type="checkbox"/> Oath or Declaration of inventor(s) | Translation of Article 19 amendments into English |
| Copy of Article 19 amendments | Other: |
| <input checked="" type="checkbox"/> Priority Document | |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any | |
| Translation of Annexes to the International Preliminary Examination Report into English | |

2. Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

U.S. Basic National Fee Copy of the international application

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO 917.
- d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$2,000 each, as a ☒ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO 875.

5. ☒ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO 920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set forth may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

A copy of this notice MUST be returned with this response.

Enclosed: PCT/DO/EO 917
☒ PTO 875

Notice of Defective Translation
☒ PCT/DO/EO 920

Barbara A. Campbell

Telephone 703-305-3634

FORM PCT/DO/EO 908 (March 2001)

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04853-0059
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Recd/Schgw/Ext Dues
DAS
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